

REMARKS

Claims 1-7, 9-15, 18-34, 55, 62-73 and 75-92 were previously pending in this application. Claims 1, 13, 18, 62, and 79 have been amended. As a result claims 1-7, 9-15, 18-34, 55, 62-73 and 75-92 are pending for examination with claims 1, 13, 18, 62 and 79 being independent claims. No new matter has been added. Support for these amendments can be found in the originally-filed claims, specification and drawings, for example in FIGS. 5-7 and the associated description at page 5, lines 17-30.

Rejections Under 35 U.S.C. §102

The Office Action rejects claims 1-3, 5, 7, 9-15, 18-20, 22, 24-27, 30, 32-34, 55, 62-64, 66, 68-73, 75-76, 79-80, 85-86, and 89-92 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,850,996 to Liang (hereinafter Liang). These rejections include the rejection of each of independent claims 1, 13, 18, 62 and 79 in view of Liang. Applicant respectfully asserts that independent claims 1, 13, 18, 62 and 79, as amended herein, are not anticipated by Liang because Liang does not describe: a fastening element and a fastener, the fastener comprising a base, a housing and a latch, the housing connected to the base and including an opening, the latch including a surface that is proximate the opening in the housing, wherein the surface is externally accessible with the fastening element retained in the housing, the latch configured such that the fastening element can only be removed from the housing when a force is applied to the surface proximate the opening to flex the latch, as recited in claims 1 and 13; a fastener that can be attached to a first surface, the fastener comprising a base, a housing and a latch, the housing being sized and adapted to retain a fastening element, the latch comprising a first portion to which pressure is applied when the fastening element is moved into engagement with the fastener, and the latch configured such that the fastening element can only be removed from the housing when a force is applied to the first portion to flex the latch, as recited in claim 18; a fastener assembly comprising: a fastening element and a fastener, the fastener comprising a base, a housing and a latch, the housing connected to the base and including an opening and the housing adapted to retain the fastening element so that a surface of the latch located proximate

the opening in the housing is externally accessible with the fastening element retained in the housing such that the fastening element can only be removed from the housing when a force is applied to the surface proximate the opening to depress the latch; as recited in claim 62; a fastener assembly comprising: a fastening element and a fastener, the fastener comprising a base, a housing and a latch, the latch positioned relative to the housing to retain the fastening element within the housing upon sliding the fastening element under the retaining lip and wherein the fastening element can only be slid out of the housing over the latch when the latch is depressed by an application of a force to a surface of the latch which is exposed with the fastening element retained in the housing, as recited in claim 79.

Liang describes a mobile telephone hanging device including an elongated movable plate for stopping a hanging rod of a hanging plate in the engaged position, and two push rods controlled to release the elongate moveable plate from the hanging rod of the hanging plate to permit the hanging plate to be disconnected from the base plate. (Abstract). In other words, the moveable plate of Liang can be moved by squeezing the two push rods located on opposite sides of the hanging device together to allow the hanging plate to be detached from the hanging device. The push rods act on extensions strips 141. Further, because the moveable plate is a single piece (see Fig. 2 of Liang), it is also clear that the moveable plate can also be released by sliding one any of the two push rods to engage the corresponding extension strip 141. As a result, Liang discloses a structure that allows a user to release the plate from the hanging rod by applying pressure to any one of at least two surfaces. That is, Liang describes a system in which the hanging rod can be released from the plate by at least two approaches: a first, by depressing the two push rods; and second by depressing a selected one of the two push rods.

Thus, Liang does not disclose any of: a fastening element that can only be removed from the housing when a force is applied to the surface proximate the opening to flex the latch, as recited in claims 1 and 13; a fastening element that can only be removed from the housing when a force is applied to the first portion to flex the latch, as recited in claim 18; a fastening element that can only be removed from the housing when a force is applied to the surface proximate the opening to depress the latch, as recited in claim 62; or a fastening element that can only be slid out of the housing over the latch when the latch is depressed by an application of a force to a

surface of the latch which is exposed with the fastening element retained in the housing, as recited in claim 79. For at least these reasons, Liang does not anticipate any of claims 1, 13, 18, 62 and 79.

In addition to the above, claim 1 is amended to recite that the fastening element is inserted in the housing via the opening to which the surface is proximate. As indicated above, claim 1 recites that the fastening element can only be removed from the housing when a force is applied to the surface proximate the opening to flex the latch. The Office contends that “the latch including a surface defined by push rods 3...is proximate the opening (181) in the housing.” (Office Action, page 2.) However, the “opening (181)” referred to in the Office Action is a region through which the push rod slides and does not receive any type of fastener. As clearly illustrated, the “opening (181)” cannot receive the hanging rod of Liang because “the opening (181)” is occupied by the push rod. Accordingly, Liang also does not anticipate claim 1 because Liang does not describe a housing connected to the base and including an opening, the housing adapted to retain the fastening element when the fastening element is inserted in the housing via the opening ... where the fastening element is retained in the housing with the latch configured such that the fastening element can only be removed from the housing when a force is applied to the surface proximate the opening to flex the latch.

Claims 2-3, 5, 7, 9-12, 14-15, 19-20, 22, 24-27, 30, 32-34, 55, 63-64, 66, 68-73, 75-76, 80, 85-86 and 89-92 depend directly or indirectly from one of the allowable independent claims. Thus, each of the claims 2-3, 5, 7, 9-12, 14-15, 19-20, 22, 24-27, 30, 32-34, 55, 63-64, 66, 68-73, 75-76, 80, 85-86 and 89-92 are not anticipated by Liang because they patentably distinguish over Liang for at least the same reason as the independent claim from which they depend, respectively.

For at least all of the above reasons, reconsideration and withdrawal of the rejection of claims 1-3, 5, 7, 9-15, 18-20, 22, 24-27, 30, 32-34, 55, 62-64, 66, 68-73, 75-76, 79-80, 85-86, and 89-92 under 35 U.S.C. §102 is respectfully requested.

Rejections Under 35 U.S.C. §103

The Office Action rejects claims 6, 23, 31, 67 and 82 under 35 U.S.C. §103(a) as being unpatentable over Liang in view of U.S. Patent No. 5,507,610 to Benedetti, et al. (hereinafter Benedetti).

Claim 6 depends indirectly from claim 1 and patentably distinguishes over Liang for at least the same reasons. Applicant notes that Benedetti does not cure the deficiencies of Liang at least because Benedetti also does not teach or suggest a fastening element that can only be removed from the housing when a force is applied to the surface proximate the opening to flex the latch. Accordingly, claim 6 is patentable over Liang in view of Benedetti because Liang and Benedetti, either alone or in proper combination, do not teach or suggest all the limitations recited in claim 6.

Claim 31 depends indirectly from claim 13 and patentably distinguishes over Liang for at least the same reasons. Applicant notes that Benedetti does not cure the deficiencies of Liang at least because Benedetti does not teach or suggest a fastening element that can only be removed from the housing when a force is applied to the surface proximate the opening to flex the latch. Accordingly, claim 31 is patentable over Liang in view of Benedetti because Liang and Benedetti, either alone or in proper combination, do not teach or suggest all the limitations recited in claim 31.

Claim 23 depends indirectly from claim 18 and patentably distinguishes over Liang for at least the same reasons. Applicant notes that Benedetti does not cure the deficiencies of Liang at least because Benedetti does not teach or suggest a fastening element that can only be removed from the housing when a force is applied to the first portion to flex the latch. Accordingly, claim 23 is patentable over Liang in view of Benedetti because Liang and Benedetti, either alone or in proper combination, do not teach or suggest all the limitations recited in claim 23.

Claim 67 depends indirectly from claim 62 and patentably distinguishes over Liang for at least the same reasons. Applicant notes that Benedetti does not cure the deficiencies of Liang at least because Benedetti does not teach or suggest a fastening element that can only be removed from the housing when a force is applied to the surface proximate the opening to depress the latch. Accordingly, claim 67 is patentable over Liang in view of Benedetti because Liang and

Benedetti, either alone or in proper combination, do not teach or suggest all the limitations recited in claim 67.

Claim 82 depends directly from claim 79 and patentably distinguishes over Liang for at least the same reasons. Applicant notes that Benedetti does not cure the deficiencies of Liang at least because Benedetti does not teach or suggest a fastening element that can only be slid out of the housing over the latch when the latch is depressed by an application of a force to a surface of the latch which is exposed with the fastening element retained in the housing. Accordingly, claim 82 is patentable over Liang in view of Benedetti because Liang and Benedetti, either alone or in proper combination, do not teach or suggest all the limitations recited in claim 82.

For at least all of the above reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 6, 23, 31, 67 and 82 under 35 U.S.C. §103(a).

The Office Action rejects claims 4, 21, 28-29, 65 and 81 under 35 U.S.C. §103(a) as being unpatentable over Liang. Each of claims 4, 21, 28-29, 65 and 81 directly or indirectly depend from an allowable independent claim and are patentable for at least the same reasons as the independent claim from which they depend, respectively. For at least all of the above reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 4, 21, 28-29, 65 and 81 under 35 U.S.C. §103(a).

The Office Action rejects claims 77-78, 83-84 and 87-88 under 35 U.S.C. §103(a) as being unpatentable over Liang in view of U.S. Pat. No. 4,681,552 to Courtney (hereinafter Courtney).

Claims 77-78 depend indirectly from claim 13 and patentably distinguish over Liang for at least the same reasons. Applicant notes that Courtney does not cure the deficiencies of Liang at least because Courtney does not teach or suggest a fastening element that can only be removed from the housing when a force is applied to the surface proximate the opening to flex the latch. Accordingly, claims 77-78 are patentable over Liang in view of Courtney because Liang and Courtney, either alone or in proper combination, do not teach or suggest all the limitations recited in claims 77-78.

Claims 83-84 and 87-88 depend directly or indirectly from claim 79 and patentably distinguishes over Liang for at least the same reasons. Applicant notes that Courtney does not

cure the deficiencies of Liang at least because Courtney does not teach or suggest a fastening element that can only be slid out of the housing over the latch when the latch is depressed by an application of a force to a surface of the latch which is exposed with the fastening element retained in the housing. Accordingly, claims 83-84 and 87-88 are patentable over Liang in view of Courtney because Liang and Courtney, either alone or in proper combination, do not teach or suggest all the limitations recited in claims 83-84 and 87-88.

For at least all of the above reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 77-78, 83-84 and 87-88 under 35 U.S.C. §103(a).

CONCLUSION

In view of the foregoing remarks, reconsideration and withdrawal is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an accompanying payment, please charge any deficiency to Deposit Account No. 50/2762, C2058-7013

Respectfully submitted,
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